Message

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: 12/15/2015 2:04:56 PM
To: Tisa, Kimberly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58bc0878a00b4d5e95087b8f5b74239c-Tisa, Kimberly]
Subject: FW: EPA following up on PCBs in Schools NPR series
Attachments: Addl-NPR-Qs-10-29_Answers_11-17-15.docx; NPR_Q6_EPA_1976_PCB Industrial Use_full report.pdf; NPR_Q7_Trade names for PCBs_EPA website.pdf; NPR_Q8_1979 attachment.pdf; NPR_Q8_USWAG attachment.pdf; NPR_Q9_Malibu Approvals_10-31-14.pdf; NPR_Q9_Malibu Supplemental Approval_11-02-15.pdf

This is what we last sent to the ct npr reporter. thanks ng

From: Mottley, Tanya
Sent: Wednesday, November 18, 2015 9:37 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Deegan, Dave <Deegan.Dave@epa.gov>
Subject: RE: EPA following up on PCBs in Schools NPR series

Nancy,
Please see attached response to NPR. This has been cleared by Jeff M and reviewed by OGC. Note there are several attachments to this email which are referenced in our reply. Let me know if you have any questions.

Tanya

Tanya Hodge Mottley, Director
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From: Grantham, Nancy
Sent: Wednesday, November 04, 2015 12:47 PM
To: Hull, George <Hull.George@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Deegan, Dave <Deegan.Dave@epa.gov>
Subject: FW: EPA following up on PCBs in Schools NPR series

From: DesRoches, David [mailto:ddesroches@wnpr.org]
Sent: Tuesday, November 03, 2015 10:53 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Deegan, Dave <Deegan.Dave@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>
Subject: RE: EPA following up on PCBs in Schools NPR series

Another question. I just saw this: http://www.malibusurfsidenews.com/us-rep-ted-lieu-added-malibu-schools%E2%80%99-pcb-saga

What will the EPA do in this instance? Would it fine the school district? Require remediation or require a test? Test the school itself?

David DesRoches
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From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Monday, November 02, 2015 9:00 PM
To: DesRoches, David
Cc: Hull, George; Deegan, Dave; Pieh, Luseni
Subject: Re: EPA following up on PCBs in Schools NPR series

Hi David -- sorry for the delay -- probably a week or so for responses -- I will keep close track to get them to you asap

Thx ng

Sent from my iPhone

On Oct 29, 2015, at 3:42 PM, DesRoches, David <ddesroches@wnpr.org> wrote:

> Thank you Nancy, I appreciate the responses. I'd like to ask a few follow-ups.
>
> 1. How many exemptions has EPA granted for PCB importation from other countries, and/or businesses in other countries, since 1979?
> 2. How many total requests for exemptions has EPA received by companies/countries seeking to export PCBs to the United States?
> 3. For the exemptions granted, what were the PCBs used for?
> 4. For the exemptions granted, what was the quantity of PCBs, date of importation, and names of companies and/or government entities (importer and exporter) involved in the each exemption? Would adding these quantities together equal the total quantity of PCBs imported into the United States since 1979?
> 5. Does the EPA track illegal importation of PCBs? If so, how many incidents involved the EPA confiscating illegal PCBs? For each incident, what was the quantity of PCBs confiscated?
> 6. Of all the PCBs imported before and after 1979, what were the chlorination levels/types of PCBs (My understanding is that 3 million pounds were imported between 1930 and 1975)? What were these PCBs used for?
> 7. Do any companies hold patents on certain chlorination levels of PCBs, or could any company make any type of PCB (prior to 1979)?
> 8. Does EPA know, or have an estimate, of the quantity of PCBs being used A) as authorized uses, and B) as unauthorized uses? Does EPA know these figures from 1979, prior to PCBs being banned?
>
> Please let me know an estimated date of when you could expect to have answers to these questions. Feel free to call if you need any clarification on what I'm looking for.
>
> Thank you in advance for your time and attention.
>
> david
>
> David DesRoches
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From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Monday, October 26, 2015 3:20 PM
To: DesRoches, David
Cc: Hull, George; Grantham, Nancy; Deegan, Dave; Pieh, Luseni
Subject: RE: EPA following up on PCBs in Schools NPR series

Hi David,

With apologies for the delay, please find below answers to your questions.

Thank you.

Nancy Grantham

1. **Where did the 50 ppm standard come from?**

   The 50ppm standard for use of PCBs in caulk and other building materials is codified at 40 CFR 761.20(a)(1). EPA established this standard for excluded PCB products based on a finding that they would not present an unreasonable risk. (See the final rule at 53 FR 24206, June 27, 1988)

2. **Why does the EPA and CDC list PCBs as a probable human carcinogen when the WHO lists it as a carcinogen?**

   WHO's conclusion, reached in 2013, is based on new findings in humans that provide more support for the carcinogenicity of PCBs than was previously available. EPA's conclusion was reached in 1996 and predates these new published studies. EPA has not conducted an updated cancer assessment using these studies.

   Currently, EPA is undertaking a non-cancer assessment of PCBs. We plan to publicly release our background information for the assessment, including a literature search and evidence tables in 2016. EPA expects to complete the final assessment in 2018.

3. **Is EPA considering updating its recommendation to schools regarding PCB management? If so, how?**

   On July 28, 2015, EPA issued updated information (PCBs in Building Materials – Questions and Answers, diagrams and a fact sheet) on managing PCBs in schools. If new information becomes available in the future, then, as appropriate, EPA will update the Qs and As and related guidance.

4. **Is EPA considering requiring schools that were built or renovated between 1950 and 1979 to be tested for PCBs (treating it like lead and asbestos), instead of**

recommending testing? If not, why not? If so, would this requirement only apply to areas slated for renovation, or for the entire school?

No, TSCA and its implementing regulations have no requirement for schools to perform testing to identify where PCBs are and are not present. Similarly, there is no general requirement under TSCA or its implementing regulations for schools to perform testing to identify where lead is and is not present. EPA recommends that school administrators take practical actions, including certain best management practices (listed in #16 of the PCB Qs and As) on a frequent ongoing basis to minimize potential exposures to PCBs. With respect to asbestos, EPA notes that schools are required to perform an inspection for asbestos, and in so doing, either to test suspected asbestos-containing material for the presence of asbestos or to treat the material as if it is asbestos-containing. However, this requirement was promulgated under a specific grant of authority in the Asbestos Hazard Emergency Response Act of 1986 with respect to school buildings, a provision not applicable to PCBs.

5. **Can states require schools to test for PCBs, or does TSCA prevent states from requiring testing?**

   In general, EPA does not believe that TSCA prevents states from requiring schools to test for PCBs.

6. **Given that EPA does not have a testing requirement, yet set the threshold of 50 ppm as the point beyond which "unreasonable risk or injury to health" would occur, how are building owners and school boards to take this health risk seriously?**

   The EPA has stated clearly in the PCB Qs and As and in other web site material that based on the information available the EPA believes that there was potentially widespread use of PCB-containing building materials in schools and other buildings built or renovated between about 1950 and 1979. The Agency has made clear that this is an important issue because PCBs have been identified as probable human carcinogens and may cause a variety of non-cancer health effects. Regardless of whether PCBs are known to be present, the EPA recommends that all schools and other buildings built or renovated between about 1950 and 1979 implement the actions outlined in the PCB Qs and As document to reduce possible PCB exposures.

7. **Could current EPA recommendations to building owners likely result in a failure of building owners to remediate high levels of PCBs, since they will never be discovered**?

   EPA believes that if building owners (or school officials) follow the recommendations in the PCB Qs and As, they likely will reduce PCB exposures. However, it is always a possibility that a person may overlook or be unaware of the presence of materials above 50 ppm.

8. **How could building owners or EPA know which schools or other buildings pose a health hazard unless they test?**

   Based on the information available, EPA believes that there was potential widespread use of PCB-containing building materials in schools and other buildings built or

renovated between 1950 and 1979. For schools or other buildings built in this time, as noted in the PCB Qs and As, EPA recommends actions be taken by school administrators, building owners and building managers to reduce PCB exposures. EPA recommends that if there are concerns about possible exposure to PCBs in school indoor air after implementing BMPs, school administrators should consult with their EPA Regional PCB coordinator to assess if there still may be the potential for PCB releases in their school and whether to consider testing indoor air for PCBs. If testing of indoor air is conducted in schools, results should be evaluated using EPA's Exposure Levels for Evaluating School Indoor Air (ELEs). If test results are above the ELEs, then EPA recommends school administrators review, reevaluate and adjust their use of best management practices or take other actions to identify and address PCB sources to reduce PCB exposures.

9. **Does the EPA recommend monitoring possibly contaminated materials instead of removing them? What is the rationale for this recommendation?**

   EPA does not have a general recommendation for monitoring possibly contaminated materials in preference to removing them.

10. **If a school finds PCBs in caulk or other building materials above the regulatory limit, what is a building owner required to remove: A) just a portion of what was sampled; B) all of that material in a particular area such as the caulking in a window; C) all like-kind and like-age materials in the same room; D) or all like-kind and like-age materials in the same building constructed at the same time? How does the required removal guarantee clean boundaries?**

    EPA regulations implementing TSCA prohibit the use of PCBs in caulk and other building materials manufactured with PCBs at levels greater than or equal to 50 ppm, including the continued use of such materials that are already in place. EPA regulations also generally prohibit the continued use of other materials that are contaminated with PCBs by such manufactured sources. The extent of the removal will depend on the particular facts and circumstances in a given case. A school could consult with their EPA regional coordinator to determine how much testing to do and how much material to remove. Schools may want to reference EPA's webpages on characterizing suspect materials at http://www.epa.gov/pcbsincaulk/guide/guide-sect3.htm#procedures.

11. **Do the EPA regulations take away from the intent of TCSA, which was to get rid of PCBs completely? Why or why not?**

Congress provided EPA with the authority to issue regulations governing the manufacturing, processing, distribution in commerce, use, and disposal of PCBs. Where EPA has used that authority, it has based its actions on findings of no unreasonable risk, as required by TSCA.

12. **Why are there so many authorized uses for PCBs still in the regulations? Wasn't the intent to rid all of them unless EPA was petitioned to keep a use?**

Section 6(e)(2) allows the Administrator to authorize certain uses without a petition, providing required conditions are met and that such uses will not present an unreasonable risk of injury to health or the environment. Most of the use authorizations are for liquid filled electrical equipment used in industry or by electrical utilities. In order to avoid a disruption of the transmission of electrical power and operations at industrial facilities, PCBs were allowed to continue to be used (authorized uses) with conditions that presented no unreasonable risks.

13. **Is the EPA considering eliminating and/or adding authorized uses for PCBs?**

EPA's regulations governing the use of PCBs in electrical equipment and other applications were first issued in the late 1970s and were updated in 1998. More recently, EPA initiated rulemaking (an Advance Notice of Proposed Rulemaking dated April 10, 2010) to reassess the ongoing authorized uses of PCBs to determine whether certain use authorizations should be ended or phased out because the Agency believes the circumstances of the uses may have changed enough to consider amending the regulations. This action is currently underway and may address the following specific areas: (1) the use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment, including fluorescent light ballasts; (2) improvements to the existing use authorization for natural gas pipelines; and (3) definitional and other regulatory fixes.

14. **Can a person or company or government purchase or import from another country, or state, a product that contains PCBs and is also an authorized use of PCBs?**

    PCBs may not be imported into the country without an exemption because importation is considered manufacture, not use, under TSCA. EPA regulations do not contain a general exemption for distribution in commerce (e.g., purchase) of PCBs authorized for use. However, EPA regulations do allow distribution in commerce of PCBs in certain instances (e.g., certain electrical equipment EPA has found to be totally enclosed).

15. **Can a school remove a confirmed source of PCBs without EPA's approval?**

    Yes, in accordance with the applicable storage and disposal regulations under TSCA.

16. **How much leeway is given to states to further restrict the regulation and remediation and testing of and for PCBs?**

A state could ban the use of PCBs in that state or regulate PCBs under any other federal law and such regulation would not be preempted by TSCA. To the extent TSCA preempts state law, TSCA provides a mechanism for states to request a waiver from the preemption. State laws regarding disposal of PCBs are not preempted by TSCA. Regarding testing for PCBs, see response to Question 5 above.

17. **The EPA recently updated its FAQs on PCBs in building materials (July 28, 2015). Could you explain how this differs from previous advice given in earlier FAQs?**

    The updates to the PCB Qs and As are intended to clarify and consolidate information provided in a previous Qs and As document and other related information on other web pages into a single online location for readers. The revisions also reflect experience that schools and EPA have had with the PCBs issue since the information was originally posted on the web. Also, EPA used new information to update its Exposure Levels for Evaluating School Indoor Air. In addition to this update, EPA also developed diagrams and a fact sheet intended to help readers understand practical actions for reducing exposures to PCBs in indoor school building environments and other buildings.

From: DesRoches, David [mailto:ddesroches@wnpr.org]
Sent: Tuesday, October 20, 2015 10:27 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: EPA following up on PCBs in Schools NPR series

Great, thank you Nancy

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From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Tuesday, October 20, 2015 9:42 AM
To: DesRoches, David
Cc: Deegan, Dave; Hull, George
Subject: RE: EPA following up on PCBs in Schools NPR series

Hi David,

We should have answers for you today. Thanks for your patience.

From: DesRoches, David [mailto:ddesroches@wnpr.org]
Sent: Monday, October 19, 2015 11:30 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: EPA following up on PCBs in Schools NPR series

Nancy, any update on these answers?

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From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Wednesday, October 14, 2015 12:34 PM
To: DesRoches, David
Cc: Deegan, Dave
Subject: RE: EPA following up on PCBs in Schools NPR series

Sorry – I gave you an incorrect number – it is 202-564-6879 .. is there a good time for me to call you? thanks ng

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From: DesRoches, David [mailto:ddesroches@wnpr.org]
Sent: Wednesday, October 14, 2015 12:31 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Deegan, Dave <Deegan.Dave@epa.gov>
Subject: RE: EPA following up on PCBs in Schools NPR series

Nancy, I've tried calling the number below but it's telling me the number had been disconnected. Is there another number?

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From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Wednesday, October 14, 2015 7:22 AM
To: DesRoches, David
Cc: Deegan, Dave; Grantham, Nancy
Subject: EPA following up on PCBs in Schools NPR series

Hi Dave,

I am following up on your email correspondence with my colleague Dave Deegan – regarding PCBs in Schools in CT.

I believe we have some outstanding answers due to you and I wanted to check in on that.

If you could call me at 202-565-6879, that would be great.

Thanks

Nancy Grantham